

# COMPOSITE EXHIBIT A



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Transmittal Number: 22269789

Date Processed: 11/07/2020

## Notice of Service of Process

**Primary Contact:** Rocky Landoll  
Enhanced Recovery Company, LLC  
8014 Bayberry Rd  
Jacksonville, FL 32256-7412

**Electronic copy provided to:** Cesar Reyes  
Michelle Gensmer  
Rebecca Richey  
Cristina Fernandez

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**Entity:** Enhanced Recovery Company, LLC  
Entity ID Number 2943415

**Entity Served:** Enhanced Recovery Company, LLC

**Title of Action:** Tricia Suess vs. Enhanced Recovery Company, LLC

**Document(s) Type:** Summons/Complaint

**Nature of Action:** Violation of State/Federal Act

**Court/Agency:** St. Louis County Circuit Court, MO

**Case/Reference No:** 2022-AC10182

**Jurisdiction Served:** Illinois

**Date Served on CSC:** 11/06/2020

**Answer or Appearance Due:** 12/09/2020

**Originally Served On:** CSC

**How Served:** Personal Service

**Sender Information:**  
Ethan Gee  
314-394-0605

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**To avoid potential delay, please do not send your response to CSC**

251 Little Falls Drive, Wilmington, Delaware 19808-1674 (888) 690-2882 | [sop@cscglobal.com](mailto:sop@cscglobal.com)

**IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS  
STATE OF MISSOURI  
ASSOCIATE DIVISION**

**TRICIA SUESS,**

Plaintiff,

v.

**ENHANCED RECOVERY COMPANY,  
LLC**

Serve at:

Illinois Corporation Service C  
801 Adlai Stevenson Drive  
Springfield, IL 62703

Defendant.

Cause No

Division

**JURY TRIAL DEMANDED**

**PETITION**

COMES NOW Tricia Suess (“Plaintiff”), by and through her undersigned counsel, and for her petition states as follows:

**INTRODUCTION**

1. This is an action for actual and statutory damages brought to the Court by an individual consumer for violations of the Fair Debt Collections Practices Act, 15 U.S.C. §1692 et seq. (“FDCPA”), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.
2. Plaintiff demands a trial by jury on all issues so triable.

**JURISDICTION**

3. This Court has jurisdiction of the FDCPA claim under 15 U.S.C. § 1692k(d), as Defendant’s collection activity was directed to Plaintiff at her residence in Missouri. Plaintiff

suffered the harms described herein in Missouri. Venue is proper in the City of St. Louis, Missouri for this reason.

**PARTIES**

4. Plaintiff is a natural person currently residing in Jefferson County, Missouri. Plaintiff is a “consumer” within the meaning of the FDCPA.

5. The alleged debt Plaintiff owes arises out of consumer, family, and household transactions. Specifically, the alleged debt arose from consumer purchases of goods and services Plaintiff made on her AT&T DirecTV account.

6. Plaintiff has a bona-fide dispute of the debt. While Plaintiff did purchase consumer goods and services on her AT&T DirecTV account, the balance alleged of \$157.20 is not accurate to the best of Plaintiff’s understanding as it overstates any amount that could be due or owing to Defendant. Specifically, the balance is overstated because Plaintiff paid off the account when it was closed and there is no unreturned equipment.

7. Defendant Enhanced Recovery Company, LLC (“Defendant”) is a foreign limited liability company with its principal place of business located outside the state of Missouri.

8. The principal business purpose of Defendant is the collection of debts nationwide; Defendant regularly attempts to collect debts alleged to be due to another entity.

9. Defendant is engaged in the collection of debts from consumers through means of using mail and telephone. Defendant is a “debt collector” as defined by the FDCPA. 15 U.S.C. §1692a(6).

## FACTS

10. Defendant's collection activity, of which Plaintiff disputes, occurred within the previous twelve (12) months.

11. On September 8, 2020, Defendant attempted to collect the alleged consumer debt from Plaintiff via mail by sending its collection letter to Plaintiff. Plaintiff received this collection letter on approximately September 17, 2020, which stated a balance of \$157.20.

12. Plaintiff believed the balance to be suspicious for the reasons stated above.

13. Accordingly, Plaintiff hired an attorney to advise her with respect to the debt that Defendant was trying to collect.

14. Plaintiff paid her attorney a significant fee for this representation to ensure that Defendant would be compelled to deal with her attorney once Plaintiff informed Defendant that she had retained counsel.

15. Shortly after retaining counsel, Plaintiff called Defendant to provide her attorney's contact information.

16. After verifying her identity, Plaintiff informed Defendant that she had hired an attorney to represent her on the debt Defendant was collecting and provided the name of her attorney to the Defendant.

17. Defendant, rather than taking attorney's contact information, proceeded to ignore Plaintiff's statement of being represented by an attorney.

18. Defendant proceeded to collect the debt directly from Plaintiff, even though it had been informed that Plaintiff hired counsel. Specifically, Defendant told Plaintiff, "If you want the

best option, I can give it to you" and that "If you want to settle this account, we have settlement options for you."

19. Defendant wanted to make Plaintiff's decision to hire counsel seem like an unbeneficial one. Defendant was attempting to get Plaintiff to settle directly with Defendant by making it seem as though Defendant would not work with Plaintiff's attorney.

20. This was an attempt to collect the debt from Plaintiff and to bypass Plaintiff's retained counsel by trying to get Plaintiff to settle the debt directly with Defendant.

21. Plaintiff, who was now uncomfortable with Defendant's decision to ignore the fact that she had retained counsel, reiterated that she hired an attorney to represent her on the debt and attempted to provide the attorney's contact information.

22. Defendant, once again, ignored Plaintiff's statement of being represented by an attorney, telling Plaintiff that "even if your lawyer called, this would be the minimum we have on the file."

23. Defendant's conduct showed blatant disregard for Plaintiff's right to cause debt collection communications to stop upon provision of Plaintiff's attorney information.

24. Defendant's above-described conduct has caused Plaintiff to incur actual damages including but not limited to attorneys' fees paid to her counsel, anxiety, frustration, and worry.

25. Further, Defendant's above-described conduct has caused Plaintiff to suffer the following additional injuries in fact:

a. Plaintiff has been deprived of her statutorily created right to cause debt collection communication to cease upon provision of her attorney's contact information; and

b. Plaintiff has been deprived of her statutorily created right to truthful information about the debt because Defendant misrepresented the amount of the debt.

26. The injuries in fact are fairly traceable to the challenged actions of Defendant in that Defendant engaged in the phone call with Plaintiff.

27. Plaintiff's injuries in fact are likely to be redressed by a favorable decision in this Court.

**COUNT I: VIOLATION OF THE FDCPA**

28. Plaintiff re-alleges and incorporates by reference all of the above paragraphs.

29. In its attempts to collect the alleged debt from Plaintiff, Defendant has committed violations of the FDCPA, 15 U.S.C. § 1692 et seq., including, but not limited to, the following:

a. Falsely representing the character, amount, or legal status of the alleged debts, specifically the fact that Plaintiff was not entitled to attorney representation on the debt and the amount of the debt as stated in the phone call. 15 U.S.C. § 1692e; and

b. Engaging in harassing, abusive, deceptive, misleading, unfair, and unconscionable conduct in the collection of a debt, including but not limited to refusing to acknowledge Plaintiff's right to counsel. 15 U.S.C. § 1692d-f; and

c. Refusing to cease collection communications with Plaintiff once Defendant knew or should have known that Plaintiff was represented by counsel. 15 U.S.C. § 1692c.

WHEREFORE, Plaintiff respectfully requests that judgment be entered against Defendant for:

A. Judgment that Defendant's conduct violated the FDCPA;

B. Actual damages in an amount to be determined by the jury;

- C. Statutory damages, costs and reasonable attorney's fees pursuant to 15 U.S.C. § 1692(k); and
- D. For such other relief as the Court may deem just and proper.

Respectfully submitted,

**ROSS & VOYTAS, LLC**

By: /s/ Ethan W. Gee  
Richard A. Voytas, #52046  
Ethan W. Gee, # 70075  
St. Louis, MO 63131  
Phone: (314) 394-0605  
Fax: (636) 333-1212  
rick@rossvoytas.com  
ethan@rossvoytas.com

Attorneys for Plaintiff



## SPECIAL PROCESS SERVER

### IN THE 22ND JUDICIAL CIRCUIT, CITY OF ST LOUIS, MISSOURI

Judge or Division: NICOLE JEAN COLBERT BOTCHWAY	Case Number: 2022-AC10182	Special Process Server 1 M TOMLIN
Plaintiff/Petitioner: TRICIA SUESS	Plaintiff's/Petitioner's Attorney/Address or Pro Se's Address/Telephone Number: ETHAN WILLIAM GEE 12444 POWERSCOURT DRIVE SUITE 370 ST. LOUIS, MO 63131 (314) 394-0605	Special Process Server 2
Defendant/Respondent: ENHANCED RECOVERY COMPANY LLC		Special Process Server 3
Nature of Suit: AC Other Tort	Date, Time and Location of Court Appearance: 09-DEC-2020 09:30 AM Division 28 CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101 Please see the attached information for appearing via WebEx. WebEx connection information may also be found at <a href="http://www.stlcircourt.com/">http://www.stlcircourt.com/</a>	(Date File Stamp)

### Summons for Personal Service Outside the State of Missouri (Associate Division Cases)

The State of Missouri to: ENHANCED RECOVERY COMPANY, LLC

Alias:

801 ADLAI STEVENSON DRIVE  
SPRINGFIELD, IL 62703



CITY OF ST LOUIS

You are summoned to appear before this court physically if the court is open to the public or virtually if not on the date, time and location above, to answer the allegation in the petition filed by the above-named plaintiff/petitioner, a copy of which is attached. If you fail to appear at the time and place stated in this summons, judgment by default will be taken against you for the relief demanded in the petition. Due to COVID19 challenges, virtual appearances by Webex.com are required until further order of this Court.

If you have a disability requiring special assistance for your court appearance, please contact the court at least 48 hours in advance of scheduled hearing.

November 4, 2020

Date

Further Information:

#### Officer's or Server's Affidavit of Service

Note to serving officer: Service must not be made less than 10 days nor more than 60 days from the date the defendant/respondent is to appear in court.

I certify that:

1. I am authorized to serve process in civil actions within the state or territory where the above summons was served.
2. My official title is \_\_\_\_\_ of \_\_\_\_\_ County, \_\_\_\_\_ (state)
3. I have served the above summons by: (check one)
  - delivering a copy of the summons and a copy of the petition to the defendant/respondent.
  - leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with \_\_\_\_\_, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
  - (for service on a corporation) delivering a copy of the summons and a copy of the petition to: \_\_\_\_\_ (name) \_\_\_\_\_ (title).
  - other: \_\_\_\_\_

Served at \_\_\_\_\_ (address) in \_\_\_\_\_ County,  
(state) on this \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Subscribed and sworn to before me this \_\_\_\_\_ (day) \_\_\_\_\_ (month) \_\_\_\_\_ (year).  
I am (check one)  the clerk of the court of which affiant is an officer.

the judge of the court of which affiant is an officer.

authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)

authorized to administer oaths. (use for court-appointed server)

Signature and Title



**Information For Virtual Appearances via Webex Associate Circuit Civil Cases – Page 1**

During the Coronavirus pandemic ( COVID-19 ) , **the 22<sup>st</sup> Judicial Circuit (St. Louis City)** has remained open and operational with limited access for in-person appearances pursuant to Missouri Supreme Court Orders and Operational Directives. Until further court order, all associate civil cases pending in **Divisions 28** will be conducted virtually via the **Webex** or other court approved video technology.

In order to participate through **Webex** or other court approved video technology, you **MUST** have a valid email address or access to a phone.

You may appear in one of three ways:

1. Attend by **Webex** or other court approved video technology (computer or smart phone);
2. Attend by **Webex** or other court approved audio technology (telephone);
3. **Only appear in person if you have been informed that Division 28 will conduct in person proceedings on the date your hearing is set.**

To check on your case by telephone call **Division 28 at 314-613-3185 or the circuit clerk's office at 622-4433** during regular business hours.

You can access your case online on CaseNet at [www.courts.mo.gov](http://www.courts.mo.gov)

**If you fail to appear at your scheduled Court hearing by one of the three methods above, a default judgment may be entered against you.**

To appear at the **Webex** hearing please follow the steps below:

Parties are required to appear in court on the date ordered physically if the courthouse is open for your specific proceeding or virtually using the below URL link and/or Audio Connection with the Meeting Number/Access Code **961 544 759**

**URL:**

<https://mocourts.webex.com/join/nicole.colbert-botchway>

**Meeting Number:**

**961 544 759**

**Video Address:**

[nicole.colbert-botchway@mocourts.webex.com](mailto:nicole.colbert-botchway@mocourts.webex.com)

**Audio connection:**

**United States Toll +1-408-418-9388**

**Access code:**

**961 544 759**

**Additional Information For Self-Represented Litigants on Associate Circuit Civil Cases – Page 2**

1. The WebEx app is free and available through all phone app stores, such as the Google Play store or iTunes. The call in number is a toll call.
2. At the time of your scheduled hearing, you should log into Webex or call in using the audio connection above.
3. If you have any questions, please call the Division 28 court clerk at 314-613-3185.
4. VIDEO OR AUDIO RECORDING by litigants or by counsel **IS PROHIBITED**.
5. Until your next court date, please consider the following:
  - You can monitor the status of your case online on CaseNet at [www.courts.mo.gov](http://www.courts.mo.gov). Use the “Track this Case” feature to automatically receive emails or text messages about your case.
  - Before coming to the courthouse, please check the St. Louis City Circuit Court website at [www.stlcircourt.com](http://www.stlcircourt.com) to determine whether the courthouse will be open on the day of your scheduled court hearing.
  - To check on your case by telephone call Division 28 at 314-613-3185 or the circuit clerk's office at 622-4433 during regular business hours. Due to the increased volume of calls, court clerks may not be available at all times to answer questions via telephone.
  - You have the right to hire an attorney to represent you.
  - Attorneys must **mark and e-file** all documents.
  - If you are not represented by a lawyer, you may file answers or other pleadings with the court by mail, or when the Court is open to the public come in person to the St. Louis City Circuit Clerk's office, 10 North Tucker, St. Louis, MO 63108.
  - Parties are encouraged, but in no way required, to engage in settlement discussions regarding their cases. If a settlement is reached, a Consent Judgment resolving the case may be filed with the court. A consent judgement must be signed by all the parties and dated.

2022-AC10182

In the  
**CIRCUIT COURT**  
 City of St. Louis, Missouri



For File Stamp Only

TRICIA SUESS

Plaintiff/Petitioner

vs.

ENHANCED RECOVERY COMPANY, LLC

Defendant/Respondent

November 4, 2020

Date

Case number

Division

**REQUEST FOR APPOINTMENT OF PROCESS SERVER**

Comes now Plaintiff \_\_\_\_\_, pursuant \_\_\_\_\_, Requesting Party

to Local Rule 14, requests the appointment by the Circuit Clerk of  
 Clutter Investigations d/b/a Courthouse Courier 1 W Old State Capitol Plaza #818

Name of Process Server Michelle Tomlin	Address Springfield, IL 62701	Telephone 2175285997
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Name of Process Server	Address	Telephone
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Name of Process Server	Address	Telephone
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to serve the summons and petition in this cause on the below named parties.

## SERVE:

Illinois Corp. Serv. C - Rgt. Agt. for ERC

Name 801 Adlai Stevenson Drive
-----------------------------------

Address Springfield, IL 62703
----------------------------------

City/State/Zip
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## SERVE:

Name
------

Address
---------

City/State/Zip
----------------

## Appointed as requested:

TOM KLOEPPINGER, Circuit Clerk

By DD  
 Deputy Clerk

11-4-20  
 Date

## SERVE:

Name
------

Address
---------

City/State/Zip
----------------

## SERVE:

Name
------

Address
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City/State/Zip
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/s/ Ethan W. Gee
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Attorney/Plaintiff/Petitioner 70075
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Bar No. 12444 Powerscourt Dr., Ste 370
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Address 3143940605
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Phone No.
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